



O'CONNELL ARONOWITZ
ATTORNEYS AT LAW

May 3, 2018

VIA ECF

Hon. Valerie E. Caproni
United States District Court Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

Re: U.S. v. Kaloyeros, et al.
Case No. 1:16-cr-00776

Dear Judge Caproni:

It has come to our attention that Mr. Percoco has requested an adjournment of his sentencing scheduled for June 6, 2018. On behalf of Mr. Aiello, we join in his application but we would respectfully ask that the sentencing be deferred until after our trial has concluded. As you know, our trial is scheduled to commence on June 11, 2018. Inevitably, the name *Percoco* will arise during this trial. Due to the massive amount of publicity that has been generated as a result of his conviction, the sentence will have an obviously detrimental impact upon Mr. Aiello if Mr. Percoco is sentenced during the course of our June trial. While we understand that the jury would be told that they cannot read newspapers or watch television, specifically with regard to the present case, that restriction would not apply to the *Percoco* sentencing.

Moreover, if Mr. Percoco were sentenced during the course of the trial, it would be impossible not to draw a prejudicial link between his sentence/conviction and our ongoing trial. Thus, the unfair prejudice to Mr. Aiello would be profound and unbreakable. It appears that the proof in the June trial will last approximately five to six weeks, which would take the case into the middle of July and, of course, no one can possibly predict how long the jury may deliberate. In the last case it took nearly two weeks, thus magnifying potential prejudice even more if the *Percoco* sentencing were to take place while the jury was in fact deliberating. Accordingly, we respectfully ask that the *Percoco* sentencing be deferred until a date in August after our trial has concluded. Thank you for your consideration.

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1925-1939
SAMUEL E. ARONOWITZ
1925-1973
LEWIS A. ARONOWITZ
1951-1979

CORNELIUS D. MURRAY
FRED B. WANDER
STEPHEN R. COFFEY
JEFFREY J. SHERRIN
THOMAS J. DI NOVO
PAMELA A. NICHOLS
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SERVICE BY FAX NOT ACCEPTED.

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O'CONNELL AND ARONOWITZ

By: */s/ Stephen R. Coffey*

Stephen R. Coffey
Scott W. Iseman

SRC:jss

cc: All parties (via ECF)